App. F. IX-4

"A" collection

1938.
(Legis.)

File No. 29 G 38

Serial Nos. 1.

Previous References

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one only.

Part ~~I~~ for March, 1939.

SUBJECT.

Promulgation into Law of the Bill to amend the Village Panchayat Act — Amendment to Section 54 of the Village Panchayat Act.

SG) To the Compiler, Leg.
~~Notified~~ vide G 4320 of 14.2.39.

Ordered that the Act further amending the Village Panchayat Act, 1926 be published as Act 11 of 1939 in the Supplement to the Gazette.

WD—6418—GPB—22,590—23-8-38

Mirza Nazeer Hussain
15/3/39.

87/p/38

General and Revenue Secretariat

VP File No. 57 of 1937. 5969/I [App. F. III–2

Serial No. 1

OFFICE
SECOND MEMBER OF COUNCIL.
13 JULY 1938
No. 106

Letter No C. 5064/37-38 dated 17-6-38 from the Revenue Commr suggesting the amendment of Section 54 of the V.P. Act in order to make provision to extend the period of supersession of Village Panchayats.

The facts of the case have been explained in the P.U.D.

The Law Section may perhaps be consulted in the matter

Perm
4/7/38

In favour of remarks
2
5/7/-.

Mr. Leiry Law
V.C.)

6/
Law
BMR
5.7

I agree that it is necessary to amend Section 54 of the Village Panchayat Act. The amendment, as proposed by the Rev. Commr, may be adopted; as numbered as sub Section (4). The existing sub sections (4) and (5) may be re-numbered as (5) and (6) respectively.

BMR
12.7

Asst Secy
L.S.G for
WE

Submit for orders.

The amendment to Section 54 of the V.P. Act as suggested by the Revenue Commissioner and agreed to by the Law Section may be adopted.

for
12/7/38

Leiry L.V.S)

2
12/7

for
15/7

7)
Mee
15/7/38
Member)

for
12-7

NOTE—Contd. sheet.

2 Amendment to the V. P. Act-

5969

5969/L

V P File No. 59 of 1937.

General and Revenue Secretariat

Serial No.

8) Drafts of a bill and general principles are submitted for approval

Rmr 14/8

9) This is a council case.

Jm 15/8/38

Secy L. S.G.)

2 17/8-

DEWAN'S OFFICE 1253

10) which disposed of by circulars, if approved

Jm 18.8.38 2 18/8-

TYPING SEC. 17 AUG. 1938 REVN. SECTT.

~~Ch Secy~~ Dewan) ~~Mr~~

~~Mr~~

11) Mr 19-8-38 2 20/8-

Through Secy) 12) It would be advantageous

1 member) if at the time of suggesting amendments, the sections as it stands and the sections as proposed to be amended are placed side by side in a statement.

CHIEF SECRETARY 2 AUG. 1938 GOVT. OF MYSORE.

MS 22/8

SECY. LOCAL SELF GOVT. 18 AUG. 1938 GOVT. OF MYSORE

13) This has been attended to

Jm 23.8.38 2 25/8

1 member)

14) JPM 25/8

Jm 25/8 2 26/8

Amendment to Section 54 of the V. P. Act

5969/L

3

General and Revenue Secretariat | VP File No. 59 of 1937. | [App. F. III-2

Serial No.	
	15) D. F. N. is submitted ~~for approval~~ Rmr 27/8 for Secy (L. S. G.) 2/27/8/-
1525	
	16) 27 & 35 2/
	Member)
	17) Final note signed by Member. CG 29/8/38
	18) D. S. N. submitted 29 & 35 2/29/8
	Dewan)

SECOND MEMBER OF COUNCIL, 29 AUG. 1938, No. 1422

NOTE—Contn. Sheet.

4

Final Note by the Second Member of Council.

Subject.—

Amendment to Section 54 of the Village Panchayet Act.

19) At present there is no provision in the Village Panchayet Act for the extension of the period of supersession of Village Panchayets. It is therefore considered necessary to add a clause as noted in the margin under Section 54 of the Act to provide for the continuance of the period of supersession, wherever necessary. The proposed clause is analogous to the provision contained in Section 42(4) of the Mysore Minor Municipalities Act.

"Section 54(3)". "If after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the reestablishment of the Village Panchayet".

20) Gracious sanction of His Highness is solicited to place the accompanying general principles and the Bill to amend the Act before the ensuing sessions of the Representative Assembly and before the Legislative Council later on.

MEMBER OF COUNCIL.

Bangalore,
29th August 1938.

5

Submitted to His Highness.

21) *I submit herewith a Final Note by the* Second *Member of Council on the subject of* Amendment to Section 54 of the Village Panchayet Act

for His Highness' gracious ~~*approval.*~~ sanction.

Mirza M. Ismail
Dewan.
30-8-38

Record of Cases submitted for the Orders of His Highness the Maharaja.

Chief Secy
MS
1-9-38

Subject.

Amendment to Section 54 of the Village Panchayet Act.

NO. 144

MS
1.9.38

Order.

~~KRW~~
31/8/38

General and Revenue
Secretariat.

H.A.G.3

7

SUBJECT:—

Amendment to Sec 54. of The Village Panchayet Act.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

GOVT. OF MYSORE
1 SEP 1938
DEPY. LOCAL SELF GOVT

23

Circulated to Members of Council for perusal of His Highness' orders before / after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

*

Chief Secretary to Government.

Through the Secretary to Government,

.....L.S.G.....Department.

Pm
1-9-38

2553
3/9

FIRST MEMBER OF COUNCIL.

24 3/9

1593
2.9.38

25 3/9

SECOND MEMBER OF COUNCIL.

2/9/38

Secy. L.S.G. with Compliments.

MK
3.9.38

Pm
5735

2/9/-

NOTE.—Contn. sheet.

WD 1467—GPB—500—23-2-38

Statement of ~~general principles.~~ objects & reasons

.....

At present there is no provision in the Village Panchayet Act for the extension of the period of supersession of Village -- Panchayets. It is, therefore, considered necessary to add a clause ~~as noted in the~~ margin* under Section 54 of the Act to provide for the continuance of the period of supersession, wherever necessary. This provision is similar to the one contained in Section 42 (4) of the Mysore Minor Municipalities Act, 1933. The present bill is intended to make the necessary provision in this ~~chair~~. respect.

* If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the re-establishment of the Village Panchayet".

Bill further to amend the V.P Act.

..... further

Whereas it is expedient to amend the Village Panchayet Act, it is hereby enacted as follows:-

"After Clause (3) of Section 54 of the Village Panchayet Act, add the following as Clause (4) and renumber the existing clauses (4) & (5) as (5) & (6) respectively:-

"(4).- If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the re-establishment of the Village Panchayet".

Amendment to the U.P. Act. 8/1938 (1)

5969/2

General and Revenue Secretariat | File No. | of 193 | [App. F. III–2

Serial No.

26) Three copies of the statement of general principles are placed in the file for taking further action.
To the Protection Br)

Rowr for 6/9

27) Subd. for orders if copies of the statement may be sent to the R. A. offices. The marginal note giving the provisions of the new clause is perhaps not necessary.

yes/ hg/ 6.9

28) Not necessary/ hg/ 6.9

Sd/ 6/9/38.

Subd. for orders

To R.A offices - with Typed copies of the St - of gl. principles.

Sd/ 7/9/38

29) Copies taken.
JNS 7.9.38

R.A. Circs.

30) Subd. for orders as to the officer in charge of the Bill in the R.A.

Sd/ 21/9

31) The general principles of the Bill were not accepted at the R. A. It is

NOTE—Contn. Sheet.

11) Amendment to the V.P. Act.

5969
L

VP File No. 59. of 1937.

General and Revenue Secretariat

Serial No.

for orders if the Bill may be placed before the next Session of the L.C.

Rowr 32) If approved, extract of the
10/10 discussion of the general principle at the recent R-A will be Marked & put up; in the first instance

for 10/10/38 2 To 11/10

3 To the R. A. Section for kindly putting up an extract of the discussions on the subject.

Rowr 11/10/38 33) A copy of the report of discussion relating to this question is put up as desired. But the proceedings have not yet been approved by the official members.

SGN 24/10/38 34) It will be seen from the draft of the discussion at the last R. A that the Assembly did not accept the principle of the proposed amending Bill

35) It is for orders if a bill may be introduced in the ensuing L.C. in this behalf

for 25.XI.38 Leary (L. J. G.) 2 25/11/38

OFFICE OF THE SECRETARY
11 OCT 1938
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

SECY. LOCAL SELF GOVT.
25 NOV 1938
GOVT. OF MYSORE.

3165/p/36 Amendment of the V. P. Act 12

General and Revenue Secretariat | File No. | of 193 . 5969 | App. F. III—2

Serial No.

SECRETARIAT OFFICE
25 NOV. 1938
No. 3871

SECRETARIAT OFFICE
26 NOV. 1938
No. 4832

36) The Bill was not approved by the R.A. It is merely an enabling provision. The principle of supersession of Village Panchayats is embodied in the Act. The amendment enables the D.C. to extend the period of supersession if considered necessary. Otherwise as stated by the 2nd Member in his speech D.C's will fix initially a longer period.

The Bill may be introduced in the L.C.

2nd Member, Devan) 37) Yes P.C 28.11 & 25/11/38 & 26/11/-

38) Ms 29-11-38

& 30/11

& 30/11 Pto form

39) This will be sent to the Prohn Branch for further action. 30/11 & 1/12/-

for 1/12/38 Prohn Branch) Yes. & 1/12/-

40) The Statement of the general principles may perhaps be adopted as the St. of Objects

NOTE—Contn. Sheet.

43)

3765

V. P. Bill

File No. D 869. of 193 .

General and Revenue Secretariat

and reasons...

41) Bills for orders if the Bill + Mn St. of objects & reasons as may be published under Rule 8 of L.C. Rules

See 1/12/38.

42) H offhand. This will be published under Rule 8 of the Rules of Business L.C.

2nd member & Dewan

hg 1.12

43) Bill 2.12

44) Mg 2.12.38

hg 3.12

Typing Section

To ~~Typing Section~~ for making four copies of Bill St of objects & reasons. (H.D. SE)

See 3/12/38

To L.C. Office with 15 copies of Bill St of objects & reasons

See 5/12

Three copies of the Bill taken and file pets & Prot.: Bs.

6/12/38 hg 6.12

DEWAN'S OFFICE 2 DEC. 1938 No. 3952

OFFICE OF THE SECOND MEMBER IN COUNCIL 1 DEC. 1938 No. 4365

TYPING SECTION 5 DEC 193

OFFICE OF THE SECRETARY 6 DEC. 1938 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCILS

Rai B. Madhavrao Saheb
Have no time may proceed further
Jaipur 14.
3rd Jan. 1939
My dear Mr. Sundaramayya

46) I remember we had thought of putting the V.P. Act-Amendment Bill after Bill to enable the Federation of V.P.'s. But I do not think it is really necessary, as Mr. B. Madhavarao, member in charge, himself moved the motion in the Assembly and we might ~~have~~ ~~[illegible]~~ as well not have the previous statement to justify such an amendment.

15)

I have requested my Merchandise
Lyd to proceed to Bremen to obtain
Instructions about the Number of R.S.
required in case Orders in
many of these cases the entire
quantity specified cannot be necessary
4) Specie not to be Landed, but in
many parts of Germany Bills are
Negotiated at 2 Usances
the Bank make Advances -

I am respectfully

Yours truly

Fr Schubert

General and Revenue Secretariat | File No. | of 193 . | [App. F. III–2

Serial No.

46) The Bill has been introduced. This is a short bill consisting of a single section. If the principle is accepted by the House it may not be necessary to refer the Bill to a Select Committee. The amendment clause proposed in the Bill is on the same lines as a similar provision in the Municipalities Act.

The following motions are submitted for orders.

(a) motion that the Bill be read in Council.
Mover: Second member
Seconder: L.S.G. Secy

(b) motion that the order of business and the standing orders be suspended and the Bill taken into consideration without reference to a Select Committee.
Mover: Second member
Seconder: L.S.G. Secy

NOTE—Contn. Sheet.

17)

D. Board Act 3765

Village Panchayet Amendment Bill

File No. of 193

General and Revenue Secretariat

Serial No.

(C) Motion that the Bill be passed.

Proposer: Second Member

Seconder: L. S. G. Secy.

5/1/39 BOM

49) There was considerable opposition to the bill in the R. A. This may perhaps be referred to a select committee for 2nd member

bg 5-1-39

50) Not necessary he may wait & see if this reference is claimed by the House

Ille 5-1

6/1

bg 6/1

L. C. office for note and return.

5a 6/1 51) Notes & returned.

BOM 10.1.39 Property

B 11.1.39

52) This Bill was passed by the L.C at its recent Session

53) A draft Final note is submitted for orders.

note as desired Looby

bg 1.2

Ore 31.1.39 BOM

54) Revised draft is submitted

Ore 1.2.39. BOM

55) 2nd no member

bg 1.2.39

19 2.2

Signed Final note placed in the file.

2.2.39

OFFICE OF THE SECOND MEMBER OF COUNCIL 5 JAN. 1939 No. 6211

SECY. LOCAL SELF GOVT GOVT OF KERALA 6 JAN 1939

OFFICE OF THE SECRETARY REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL 6 JAN 1939

OFFICE OF THE SECOND MEMBER OF COUNCIL No. 7135

Village Panchayet (amendment) Bill.

General and Revenue Secretariat	File No.	of 193 .	[App. F. III—2

Serial No.

56/ Sabd with D. & W

Doors 3/2 Jetwan)

DEWAN'S OFFICE
2 FEB 1939
5612

hp
3.2.39

WD 0544—GPB—30,000—2-9-83

Final Note by the Second Member of Council.

Subject.— Promulgation into law of the Bill to amend the Village Panchayet Act.

57 In August 1938 gracious sanction was accorded by His Highness for the introduction of the Bill to amend the Village Panchayet Act. The general principles of the Bill were placed before the Representative Assembly at its Dasara Session in 1938, but were not accepted by that House. The Bill was, however, introduced in the Legislative Council at its recent session and passed by it at one sitting, suspending the rules and standing orders of business.

58 I solicit the gracious sanction of His Highness to promulgate the Bill into law.

Sd/- M. Ananthasayanam

Second Member of Council.

Bangalore,
2nd February 1939.

Submitted to His Highness.

59 *I submit herewith a Final Note by the* Second *Member of Council on the subject of* the promulgation into law of the Bill to amend the Village Panchayet Act, *for His Highness' gracious* ~~*approval*~~ sanction.

Camp: Jog,)
4th February 1939.)

Mirza M. Ismail
Dewan.

4

Record of Cases submitted for the Orders of

His Highness the Maharaja.

Subject.

Promulgation into law of the Bill to amend the Village Panchayet Act.

No. 547

Order.

~~KRW~~
7/2/39

MS
9.2.39

22

H H 546

General and Revenue
Secretariat

SUBJECT:—

Promulgation into law of the Bill to amend the Village Panchayat Act.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

L. S. L. .....Department.

10/2

6431
10.2.39

FIRST MEMBER OF COUNCIL.

10/2/39

7326
10.2.39

SECOND MEMBER OF COUNCIL.

10.2

Prohi.

10/2

NOTE.—Contn. sheet

WD 01152—GPB—750—21-12-38

23

Village Panchayet (amendment) Act - III of 1939

General and Revenue Secretariat | Legi File No. 29 of 1938. | [App. F. III—2

Serial No. 39

This Bill has received the gracious sanction of his Highness on the 7th February 1939 for being promulgated into law.

A draft G.O. ordering its Publication as Act III of 1939 is submitted. Rect ops the V.P. Act

Sone 11.2.39 — KBJ 11.2

The V.P. Act is submitted.

Sone 11.2.39

Genl Secy — KBJ 11.2.39

67) Legislation 13.2.39

Legislation KBJ 13.2

GENERAL SECRETARY. 13 FEB. 1939 2704

Issued G.O. no P 4370 dated 14.2.39 directing Publication as Act III of 1939

A Sec 11.3.39

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

Cyl: 6 P. dt 26

Statement of general principles.

. . . .

At present there is no provision in the Village Panchayet Act for the extension of the period of supersession of Village Panchayets. It is, therefore, considered necessary to add a clause ~~as noted in the margin~~* under Section 54 of the Act to provide for the continuance of the period of supersession, wherever necessary. This provision is similar to the one contained in Section 62 (1) of the Mysore Minor Municipalities Act 1933. The ~~present~~ proposed bill is intended to make the necessary provision in this behalf.

* If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the re-establishment of the Village Panchayet.

Rmr

2/6/41-

SECTION 54 OF THE VILLAGE PANCHAYET ACT AS IT STANDS AT PRESENT.

54. (1) If a Panchayet is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act or by or under any law, or exceeds or abuses its powers, the Deputy Commissioner of the District may, after giving such Panchayet an opportunity of being heard, declare by an order published in the Official Gazette, with the reason for making it, the Panchayet to be incompetent or in default or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

(2) When a Panchayet is so superseded, the following consequences shall ensue -

(a) all members of the Panchayet shall, as from the date of the order, vacate their office as such members;

(b) all powers and duties of the Panchayet may, during the period of supersession, be exercised and performed by such person or persons as the Deputy Commissioner from time to time appoints in that behalf;

(c) where a Panchayet is superseded, all property vested in it shall, during the period of supersession, vest in the Deputy Commissioner subject to all rights over, and all debts, liabilities and

SECTION 54 OF THE VILLAGE PANCHAYET ACT IF AMENDED AS PROPOSED.

54. (1) If a Panchayet is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act or by or under any law, or exceeds or abuses its powers, the Deputy Commissioner of the District may, after giving such Panchayet an opportunity of being heard, declare by an order published in the Official Gazette, with the reason for making it, the Panchayet to be incompetent or in default or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

(2) When a Panchayet is so superseded, the following consequences shall ensue -

(a) all members of the Panchayet shall, as from the date of the order, vacate their office as such members;

(b) all powers and duties of the Panchayet may, during the period of supersession, be exercised and performed by such person or persons as the Deputy Commissioner from time to time appoints in that behalf;

(c) where a Panchayet is superseded, all property vested in it shall, during the period of super - session, vest in the Deputy Commissioner

obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the Panchayet shall be re-established by re-appointment or election and the persons who vacated their office under clause (a) shall not be deemed disqualified for appointment or election.

(4) An appeal shall lie to Revenue Commissioner from any order of the Deputy Commissioner under this section.

(5) A further appeal shall lie to Government from an order of the Revenue Commissioner passed under this section.

subject to all rights over, and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the Panchayet shall be re-established by re-appointment or election and the persons who vacated their office under clause (a) shall not be deemed disqualified for appointment or election.

(4) "If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the re-establishment of the Village Panchayet."

(5) An appeal shall lie to Revenue Commissioner from an order of ~~the~~ Deputy Commissioner under this section.

(6) A further appeal shall lie to Government from an order of the Revenue Commissioner passed under this section.

3rd Da

~~GOVERNMENT BUSINESS.~~

II. GENERAL PRINCIPLES OF BILL TO AMEND THE VILLAGE PANCHAYET ACT (Continued)

The PRESIDENT observed that though the amendment proposed in the Bill related to a small matter, yet from the discussions that had so far taken place, the members seemed to have taken an alarming view of it. He therefore appealed to the House to recognize that the principle involved in the bill had been conceived in the best interests of the village panchayets themselves.

Mr. P. SITARAMIAH replied that though it might seem to be a small matter, the principle underlying the proposed amendment was detrimental to the growth of village panchayets for the following reasons; The institution of village panchayets was intended to train people in the art of self-government. As the power of supersession vested in Government was meant to tide over deadlocks, it had to be used only very rarely. That such occasions should be rare was the common object of both the people as well as the Government. Such being the case, he thought that there ought not to be any occasion for the Government to extend the term of supersession at all.

~~Hence he felt~~

Even as regards the possibility of deadlocks, he said that whenever the Government constituted a ~~panchay~~ panchayet, they would have to watch its working for at least one year before coming to a decision as to whether its management was efficient or otherwise. If the management was efficient there would be no question of supersession at all. And in case the

management was so bad as to call for supersession it would take ~~the necessary~~ about 6 months for the authorities to make the necessary reports and obtain orders of supersession passed against the panchayet. In the meanwhile one half or more of the term of the panchayat would have been over. If an order of supersession were passed at this stage, it could remain in force only for a year or 1½ years. With this period, the term of the panchayat would have to be constituted thereafter. Thus, there would be no necessity at all for extending the term of supersession, and hence the power sought under the proposed amendment was in his opinion altogether unnecessary.

The SECOND MEMBER (Rajamantrapravina N. Madhava Rau.) explained that this bill had nothing to do with the term of any particular panchayat. The question under consideration was that of panchayats as an institution and not individual panchayats.

Mr. SEETHARAMIAH contended that the order of supersession could apply only to the panchayat as constituted at the time of making the order and not to the panchayat after it was reconstituted. Otherwise, the orders extending the period of supersession would have the effect of virtually abolishing the panchayat. ~~if a deadlock was created.~~ He doubted whether the Government could abolish a panchayat once for all like that, with the powers they possessed under the Act as at present in force. Finally he felt that if a deadlock was created, the Government might pass an order of supersession and if matters were not likely to improve, they might as well order a fresh election. Then the voters would

consider the circumstances and elect more suitable men.

Generally speaking, the interest evinced by the members of a panchayat was in direct proportion to that evinced by the local officers. If in some cases, the members fell short of expectations, it was up to the officers to make them improve. If such an attitude was adopted, he had no doubt that the necessity for the proposed amendment would never arise. After all, the most important item of work was the collection of panchayat taxes, and in this respect the present arrangements was to make collections through the agency of the Revenue Department. Since this important function had been suitably arranged for, the provisions of the existing Village Panchayat Act were quite adequate to meet the necessities of any case, and the question of extending the period of supersession would not at all arise.

Even according to the Co-operative Societies Act, Government could supersede a particular Managing Committee for unsatisfactory work. The power of electing a fresh committee was not taken away from the general body itself. And in the case of the panchayets also, Government would do well to continue to vest the power of electing a ~~fre~~ fresh panchayat ~~at~~ a in the people of the village. So long as it was recognised that local administration should be entrusted to the representatives of the people, the member felt that it would not be proper to needlessly interfere with the work of self-governing institutions by adding to the special powers of the Government.

In this view, he opposed the bill.

Mr. G. RAJAGOPALACHAR said that if the bill had been conceived in the best interests of the public, the Congress party would not have opposed it. In the last Dasara Session of the Assembly the Dewan-President was pleased to reiterate that the institution of village panchayats was intended to train people to manage their own local affairs. But now the Government wanted to take powers not only to supersede panchayats but also to extend the period of supersession from time to time. If they went on extending the period, even the little power which was already granted to the people would be withdrawn in future. He objected to it on the ground that it was opposed to all democratic principles.

Mr. H.M. CHANNABASAPPA said that a case had not been made out by the Government for the bill under discussion. Simply because there was a similar provision in the Minor Municipalities Act, it was no reason why the Village Panchayat Act also should contain it. If a set of members constituting the panchayat at a particular time should create a deadlock, that was no justification for abolishing the panchayat itself. In his opinion the needs of the situation would be fully met by ordering supersession for a time. If even after that, the affairs of the panchayat did not improve, then the Government could use the ~~x~~reserve power of ordering a reconstitution. But seeing that the Government had also the power of nominating the Chairman, the chances of deadlocks being repeated were very remote.

Continuing, the speaker observed that the

Government had not given statistics to prove that for want of the power now proposed, they could not improve the administration of the panchayats. The existing powers in his opinion, were quite adequate. At a time when there was general awakening in the villages and a keen desire on the part of the people for share in the village administration, frequent exercise of special powers by Government was sure to cause unnecessary annoyance to the people. Besides, once the Government was armed with a special power it would naturally have the temptation to use it. For these reasons, he opposed the bill.

Mr. B/ MARULAPPA was sorry that the very Govern - ment which organized the village panchayats in all places in the State should go back on their liberal policy and seek to curtail the powers of the panchayats. The existing law gave the Government sufficient control over the panchayats and it was unnecessary for them to ask for any more powers over those bodies.

Mr.G. MALLANNA was surprised that so much discussion about such a small measure as this. Members belonging to the Congress/party who were opposed to this measure, seemed to be labouring under some imaginary fears. When the Government had the power of superseding the panchayats, it was but right that they should also have the power of extending the period of supersession. It might become necessary to exercise the latter power in cases where the first order of supersession did not have the desired effect. When large powers were aspired for by the local bodies, they should also

ot object to adequate safeguards being provided. In this view he supported the bill.

The motion was put to vote and declared lost, 65 voting for and 140 against.

11. ✱ General Principles of the Bill to amend the Village Panchayet Act.

The Secretary to Government, Local Self Government Department (Mr. P.H. Krishna Rao) explained the general principles of the bill as follows:--

Mr. T. MADIAH GOWDA speaking on behalf of the Mysore State Congress party, opposed the bill. He said that the main reason for introducing the proposed amendment according to the mover's statement was that in the Minor Municipalities Act there was a similar provision for extending the period of supersessions of the Municipalities, whenever necessary. The introduction of su a provision in the Minor Municipalities Act itself was a mistake, and it was not desirable to extend that principl to the village panchayets also. According to the principles of local-self-government, Government should not curtail the powers of local-self governing bodiesor appropriate for themselves any of the powers meant to be exercised by such bodies. On the other hand they should give fuller scope for extending their activities. Government could have introduced this provision in the Village Panchayet Act even when it was placed on the Statute Book, if only they had a mind to do so, but they had not done so because they thought that such a drastic provision was unnecessary in the case of these small self-governing institutions. Even now the reasons adduced in favour of adopting the proposed amendment were not convincing. According to the rules in force at present, it was the Deputy Commissioner who could order the supersession of the village panchayets and Government had nothing to do with it. The Deputy Commissioner could in the case of each supersession, get another body constituted and give it a chance of showing better work. If that body also did not work, that might also be superseded It could not be said that suitable members were not available in the villages for being selected as members of the panchayat. This procedure would always be better than the Government extending one and the same order of supersession.

Another thing to be borne in mind in this connection was that whereas in the minor municipalities most of the members would be elected, those of the village panchayets would be nominated; and invariably either the patel or the shanbhog would be nominated as chairman-. Neither of these would act against the instructions of the Government officers. In these days when the democratic spirit was gaining stronger and stronger hold over the people, it would be too much for the Government to expect that anybody would support amendments like the one before the House. Even on the merits of the case, the speaker did not see why the Government should have power to extend the period of supersession. There had not been many instances in the past of panchayets having been superseded. In future also such occasions would be few and far between, so that the necessity for extending the period of such order would be very ~~car~~ rare indeed. Besides, amendments like this were not going to improve the working of local-self governning institutions, especially because there was no ~~provicieaa~~ provision for appeals against orders extending the period of supersession. Trust begot trust, and the greater the restrictions imposed on the people, the greater would be the distrust of the people towards the Government. In this view, the member requested the Government to withdraw the bill.

Mr. L. VENKA REDDY, in supporting the measure, said that he did not agree with the views expressed by the previous speaker. For improving the working of the village panchayets, this amendment was necessary. Due to the party factions in the villages, the work of the panchayets was not going on smoothly and satisfactorily. Government should not allow factions to develop in the villages and thereby make the entire village suffer. Few people doubted the benevolent intentions of the Government. And if, despite such intentions, the Government considered that power to extend the period of supersession was called for, it must be for very good reasons and in the best interests of the panchayets themselves. If in any case, the period of supersession was expiring and the State of affairs in the village had not improved, why, he asked, should the Government not pass an order extending the period of supersession ? There were instances, even in recent times, in which entire administrations were being superseded for particular periods without calamitous results following. Such being the case, he thought that no serious consequences would result from the Government taking power to extend the period of supersession of these small bodies. For these reasons he supported the bill and hoped that every member of the House who had the welfare of the villages at heart would so likewise.

Mr. B.L. BYANNA in further supporting the measure expressed some surprise that anybody should have spoken in opposition to it. As every one was aware, collection work in the Panchayets had fallen into heavy arrear and only recently the responsibility of making collections was transferred to the Revenue authorities. The proposal to transfer that responsibility to the revenue authorities would not have been supported by any body if the panchayets were capable of managing their own affairs fully. The amendment before the House had been proposed for very good reasons and no one need oppose it on imaginary grounds. Occasions might arise in the villages when, due to party factions, dead-locks might be created. Certainly the Government could not be expected to keep quiet on such occasions. They would have to see to it that the work which the panchayets were expected to transact was somehow carried on and for this purpose, the amendment proposed was necessary. It was not advisable to oppose the bill on mere grounds of prestige. He would appeal to the House to support the bill.

Mr. Y.V. MUNISWAMI IYER said that with ~~the~~ a view to improving the condition of the villages, the proposed amendment should be passed without delay.

Mr. H.K. MADIAH said that as this amendment would promote the best interests of the village panchayets, it deserved the support of the entire House.

Speaking for the Government, Rajamantrapravina M. Madhava Rau said that there seemed to be some misapprehension on the part of some members about the object of the bill. So far as he could see, there was no dispute as to the necessity for improving the administration of village panchayats nor to the existence of situations when the provision already existing in the Act empowering the Deputy Commissioner to supersede the village panchayats, might have to be availed of. Whenever village panchayats failed to discharge the duties expected of them, it was necessary that they be superseded. That principle had already been accepted and this was why the provision in this behalf had been inserted in the Act. What was proposed in the amendment now before the House was that if in any case it was found that the period of supersession should continue for a longer period than originally notified, the Government should have power to pass an order to that effect. This was a very small and simple amendment. It was also not a novel provision. A similar provision existed in the Minor Municipalities Act. For want of such a provision in the Village Panchayet Act, some difficulty was being experienced at present. At the time of ordering the supersession of any panchayet in the first instance, the Deputy Commissioner had to fix the period of such supersession. It might be that at the end of such period it was found necessary to extend it, but no such order could be passed as the law stood. For this reason, sometimes, Deputy Commissioners were once for all fixing long periods because further extensions on subsequent occasions were not provided for. This, he thought, might be unduly hard on the panchayets and perhaps not

in the best interests of the village panchayets themselves. If the proposed amendment was made, it would enable the Deputy Commissioner to order the suspension for a short period in the first instance and, if necessary extend it subsequently. If the House thought that there should be no power to extend the period at all, the danger to the village panchayets was that a much longer period than was necessary might be fixed in the first instance itself, which was certainly not desirable.

The provisions of the Village Panchayet Act were based on those of the Minor Municipalities Act, but somehow this particular clause had been omitted when the Village Panchayet Act was passed. The amendment under reference merely sought to supply that omission. A study of the sub-sections would convince the members that there would be sufficient safe-guards provided under the proposed section such as appeals to the Government from the orders passed by the Revenue Commissioner. The amendment was merely calculated to enable the Government to have a flexible arrangement to be enforced in times of absolute necessity. There was no idea at all of needlessly tightening the hold of Government over local self Government institutions. It was a simple, formal amendment and he hoped that the House would extend its support to it.

Mr. T. MUNIAPPA enquired whether there had been any number of instances in which the Government had actually found it necessary to extend the period of supersession.

Mr. M. MADHAVA RAU said that since the hands of the Government were tied, and the rules did not provid for extending the period of supersession, unnecessari

long periods were being fixed at the very outset. But if the amendment was passed, short periods would be stipulated in the first instance and at the end thereof either the order of supersession would be rescinded or the period extended according to the merits of each case.

Mr. T. MARIAPPA thought that the existing provision was suitable enough. He could not forget the instance of the Channapatna Municipality in which the period of supersession was extended almost indefinitely in spite of representations to the contrary. He feared that the case would be similar with village panchayets also if the amendment was passed.

Mr. N. MADHAVA RAU said that it all dpeneded upon the circumstances of each case. Factions in the villages might either die out within a short time or continue for long periods. So the Government must have the discretion to extend the period of supersession if necessary and to rescind the order if a panchayet which was once superseded learnta lesson and came forward with earnest promises of better work in future. In such a case, there would be no object in denying such an opportunity to the panchayet. In this view it would be in the interests of the panchayets themselves to pass the amendment. And after all, this was an amendment which already existed in other Acts in force in the State.

Mr. BORANNA GOWDA said that those who had spoken in favour of the bill had not made out a good case for it. Deputy Commissioners already had powers to supersede village panchayets whenever necessary, and there was no necessity for the Government to take power

to extend the period of supersession once fixed. After all, it was the patels or shanbhogs of the concerned villages who would be nominated as chairmen of the panchayets, and if the collections were unsatisfactory, the authorities could take needful action against them and the other Revenue Officials, and see that they did this work better. There was thus no need even for superseding the panchayets ~~at all~~ in the first instance at all. Much less was there any need to extend the period of supersession from time to time. He wondered why such a retrograde amendment was proposed at all. Very likely, some of the panchayets might have refused to contribute funds to unnecessary items such as the Red Cross Society etc., and for such reasons the Government might have thought of superseding them or extending the period of their supersession The member therefore thought that he must oppose the measure.

Mr. S. RAMAPPA thought that supersession in the first instance was itself sufficient to make them realise their responsibilities and it would mean undue hardship if the period of supersession was extended again. He would give the panchayets an opportunity to do better after a period of supersession and if it so happened in any case that their work was again found to be unsatisfactory, they might be superseded again. Normally, however, the Government need not proceed on the assumption that the panchayets which were once found to be unsatisfactory would for ever remain so. Generally speaking, the good work or bad work of any panchayet would depend on the kind of person who happened to be its chairman, and if therefore proper selections were made, there would be no occasion to find fault with the panchayets at all.

Even if such occasions arose, he thought that the powers which the Deputy Commissioners had were quite sufficient to meet the needs of the situation. For this reason he was also opposed to the measure.

Mr. S.C. MALLAIAH in supporting the measure, said that the amendment proposed would serve the best interests of the village panchayets. For want of such a clause, the Deputy Commissioners were at present arbitrarily fixing inordinately long periods at the very outset. If anybody contended that there should be no power of supersession at all even in the first instance he would ~~sympathiceall~~ sympathise with such anargument. But having conceded such a power to the Deputy Commisioners, there would be little meaning in ~~ey-ing~~ saying that the Government should not have power to extend the period of supersession. If the House could not trust ~~the~~ to Government the power to extend the period of supersession how could ~~the power to make the original order~~ they trust to the Deputy Commissioner the powerto make the original order itself? After all, it should be remembered that Government would not indiscriminately dispossess the panchayets of their powers and they would interfere only in extreme cases. Everywhere the cry now-a-days was that the villages ~~would b~~ should be improved, and the amendment was conceived in the best interests of the villages themselves. For these reasons, he had pleasure in supporting it.

Mr. D. VENKATARAMANAPPA and S. VENKATASWAMI GOWDA further supported the measure, while Messrs. RAME GOWDA B.P. BASAPPA SETTY and RAYARA KEMPANNA opposed it.

At this stage the House adjourned for lunch and reassembled at 3-45 P.M. Discussion continued next Day.

43

NOTIFICATION.

No. 1021—L. C. Bangalore, dated the 7th December 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Village Panchayet Act is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill further to amend the Village Panchayet Act.

Whereas it is expedient to further amend the Village Panchayet Act; It is hereby enacted as follows :—

After Clause (3) of Section 54 of the Village Panchayet Act, add the following as Clause (4) and renumber the existing Clauses (4) and (5) as (5) and (6) respectively :—

"(4) If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the re-establishment of the Village Panchayet."

Statement of objects and reasons.

At present there is no provision in the Village Panchayet Act for the extension of the period of supersession of village panchayets. It is, therefore, considered necessary to add a clause under Section 54 of the Act to provide for the continuance of the period of supersession, wherever necessary. This provision is similar to the one contained in Section 42 (4) of the Mysore Minor Municipalities Act, 1933. The present bill is intended to make the necessary provision in this respect.

Printed by the Superintendent at the Government Press, Bangalore.

Bill further to amend the V.P. Act.

Whereas it is expedient to further amend the Village Panchayet Act, it is hereby enacted as follows:-

"After Clause (3) of Section 54 of the Village Panchayet Act, add the following as Clau (4) and renumber the existing Clauses (4) and (5) as (5) and (6) respectively:-

"(4).- If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the re-establishment of the Village Panchayet".

"Copy"

Statement of Objects and reasons.

--

At present there is no provision in the Village Panchayet Act for the extension of the period of supersession of Village Panchayets. It is, therefore, considered necessary to add a clause under Sec. 54 of the Act to provide for the continuance of the period of supersession, wherever necessary. This provision is similar to the one contained in Sec. 42(4) of the Mysore Minor Municiaplities Act 1933. The present bill is intended to make the necessary provision in this respect.

"Copy"

5969

No. C.5064/37-38.

Copy

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE.

Dated Bangalore, ...16th.....June.....*1938.*

17.JUN.1938

MP 59-37-1

FROM

K.V. Anantaraman, Esq., B.A.,
The Revenue Commissioner in Mysore.

TO

P.H. Krishna Rao, Esq., M.A.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Local Self Government Department, Bangalore.

SIR, Subject:- Provision to extend the period of supersession of the Village Panchayets under Section 54 (1) of the Village Panchayet Act.

In forwarding herewith a copy of Mysore Deputy Commissioner's letter No.D.7-2249/36 dated 26th April 1938 on the above subject, I have the honour to state that the Deputy Commissioner reports that instances have come to his notice wherein the period of supersession of Village Panchayets once ordered has been extended from time to time under Section 54 (1) of the Village Panchayet Act. But as there is no provision in the Village Panchayet Act for the extension of the period of supersession once fixed in an order, the Deputy Commissioner has proposed that it is necessary to add a clause similar to the one contained in Section 42 (4) of the Mysore Minor Municipalities Act, to provide for the continuance of the period of supersession whenever necessary. I have examined the matter and I think it is desirable to make provision in the Village Panchayet Act as suggested by the Deputy Commissioner. I accordingly beg to propose the following addition to Section 54 of the Village Panchayet Act after clause (3).

" If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the reestablishment of the Village Panchayet".

2. If this suggestion is acceptable to Government, I request

P.T.O.

request that necessary action may be taken in the matter.

I have the honour to be,

S i r,

Your most obedient servant,

Ghallikaryuniah

Assistant Commissioner,
For Revenue Commissioner,
Absent from the station.

Ans 458 2

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT.

No. D7-2249/36
Encl.

Dated, Mysore, the ...26th...April.....*193* 8

FROM

M. G. MEHKRI, ESQ., B.A., LL.B.,
Deputy Commissioner, Mysore District.

To

K. V. ANANTARAMAN, ESQ., B.A.,
Revenue Commissioner in Mysore,
Bangalore.

SIR,

Provision to extend the period of supersession of the Village Panchayets under Section 54(1) of the Village Panchayet Act.

I have the honour to state that there are some instances wherein the period of supersession once ordered, has been extended from time to time under Section 54 (1) of the - Panchayet Act. This section seems to contemplate only the supersession of a Panchayet for a definite period to be specified in the order. Under Para (3) of Section 54, the Panchayet shall be re-established on the expiration of the period of super - session specified in the order. There seems to be no provision in the Act for the extension of the period once fixed in an - order. Such a provision is made in the case of supersession of Minor Municipalities (Vide: para 4 of Section 42 of the Mysore Minor Municipalities Act) as reproduced in the margin*.

*. "If after enquiry made the Government so directs the periof of supersession with all the consequences aforesaid - shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the - Municipal Council.".

I think that a like addenda to Section 54 of the Panchayet Act is necessary to provide for the continuance of supersession period whenever necessary. I request the favour of early instructions in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner.

KRG-2.

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Legis
File No. 29 ~~9~~ 38
Serial No. /

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No. P 4320 / Legis /

GENERAL AND REVENUE SECRETARIAT,
( )
, *the*.....*191* .

Ordered that the accompanying... Act further to amend the Village Panchayet Act, 1926 .....

which received the assent of His Highness the Maharaja, on the... Seventh day of... February ... 1939, be published as ~~Regulation~~ Act No... III ... of 1939, in the *Mysore Gazette* for general information.

Date of issue..... 14/2/39 .....

Signed by..... Mr. K.S .....

Leg
13.2.39
General *Secretary to Government.*

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada ~~to this office, and~~.....~~spare copies in English and~~.....~~spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore~~. Proofs should be sent to this office for approval before publication. as per standing orders

Copy to translation Section.

NOTIFICATION.

No. 1021—L. C. Bangalore, dated the 7th December 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Village Panchayet Act is published for general information with the statement of objects and reasons.

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Act III of 1939.

Received the assent of His Highness the Maharaja on the Seventh day of February 1939.

An Act ~~Bill~~ further to amend the Village Panchayet Act.

Whereas it is expedient to further amend the Village Panchayet Act (of 1926); It is hereby enacted as follows :—

Amendment of S 54 of Act II of 1936.

After Clause (3) of Section 54 of the Village Panchayet Act, add the following as Clause (4) and renumber the existing Clauses (4) and (5) as (5) and (6) respectively :—

"(4) If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the re-establishment of the Village Panchayet."

(Sd) Mirza M Ismail
Dewan

Statement of objects and reasons.

At present there is no provision in the Village Panchayet Act for the extension of the period of supersession of village panchayets. It is, therefore, considered necessary to add a clause under Section 54 of the Act to provide for the continuance of the period of supersession, wherever necessary. This provision is similar to the one contained in Section 42 (4) of the Mysore Minor Municipalities Act, 1933. The present bill is intended to make the necessary provision in this respect.

General Secretary to Govt.

Printed by the Superintendent at the Government Press, Bangalore.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

O R D E R NO.

Dated, Bangalore, the 14th February 1939.

Ordered that the accompanying Act further to amend the Village Panchayet Act, 1926 which received the assent of His Highness the Maharaja, on the Seventh day of February 1939, be published as Act No.III of 1939, in the Mysore Gazette for general information.

General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part III of the Gazette, in English and Kannada and for supply of spare copies in English and in Kannada as per standing orders. Proofs should be sent to this office for approval before publication.

MK.4.

NOTIFICATION.

Order No. P. 4370—*Legis.* 29-38-1, *dated Bangalore, the* 14*th February* 1939.

Ordered that the accompanying Act further to amend the Village Panchayet Act, 1926, which received the assent of His Highness the Maharaja, on the seventh day of February 1939, be published as Act No. III of 1939, in the *Mysore Gazette* for general information.

K. SUBBA RAO,
General Secretary to Government.

ACT III OF 1939.

(*Received the assent of His Highness the Maharaja on the seventh day of February* 1939.)

An Act further to amend the Mysore Village Panchayet Act, 1926.

Whereas it is expedient further to amend the Mysore Village Panchayet Act, 1926; It is hereby enacted as follows:— Amendment of section 54 of Act II of 1926.

After sub-section (3) of section 54 of the Mysore Village Panchayet Act, 1926, add the following as sub-section (4) and renumber the existing sub-sections (4) and (5) as (5) and (6) respectively:—

"(4) If, after enquiry made, the Deputy Commissioner so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Deputy Commissioner for the re-establishment of the Village Panchayet."

MIRZA M. ISMAIL,
Dewan

Price 0-0-3.

Printed by the Superintendent at the Government Press, Bangalore